DOCUMENT RESUME

ED 092 037 HE 005 598

AUTHOR	Emmet, Thomas
TITLE	Special Report. Postsecondary Public Employment Legislation. A status Report 1974.
INSTITUTION	Academic Collective Bargaining Information Service, Washington, D.C.
SPONS AGENCY	American Association of State Colleges and Universities, Washington, D.C.; Association of American Colleges, Washington, D.C.; Carnegie Corp. of New York, N.Y.; National Association of State Universities and Land Grant Colleges, Washington, D.C.
PUB DATE	74
NOTE	8p.
EDRS PRICE	MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS	*Collective Bargaining; *Collective Negotiation; *Higher Education; Personnel Policy; Post Secondary Education; State Action; *State Legislation; *Teacher Welfare

ABSTRACT

The first state laws concerning public employees in general were passed as early as 1959. The first law covering postsecondary teaching personnel was the 1965 Michigan law. Twenty states currently have some form of formal statute that covers employees in postsecondary institutions. However, in several states the provisions do not cover teaching staff but only staff employees. Of the thirty states without some form of enabling postsecondary legislation, 27 have had legislative activity in this area since 1970. In 18 states that have extensive public employment legislation, nine used a created public employment relations board to administer the legislation and nine used their existing private sector labor boards or commissions as the regulatory agency. Thus, one can see a slow and progressive upward trend in collective negotiations activity in postsecondary education as state after state passes legislation. (Author/PG)

Academic Collective Bargaining Information Service
1818 R Street N.W. Washington, D.C. 20009

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

ED 092037

SPECIAL REPORT

Postsecondary Public Employment Legislation

A Status Report - 1974 *

Dr. Thomas Emmet
Special Assistant to the President
Regis College

Introduction

In late 1971 the Education Commission of the States set up an Advisory Task Force on Collective Negotiations in Postsecondary Education. This group produced in May 1972 a monograph entitled Faculty Collective Bargaining in Post-secondary Institutions: The Impact on the Campus and the State, and also began a monitoring of trends in faculty and other employee collective negotiations on each of the fifty state levels. It became apparent that a further study in the form of a "Handbook" was needed which could assist state legislative committees, reference services and drafting services on the problems of existing and potential legislation with respect to postsecondary education. This second publication was commissioned, and is now nearing completion. It is entitled Collective Bargaining in Postsecondary Educational Institutions: Applications and Alternatives in the Formulation of Enabling Legislation.

In connection with that study, Dr. Thomas Emmet researched the current status of each state's legislation with the assistance of Nancy Berve, Chris Pippo and Doris Ross of the Education Commission of the States staff. With the permission of ECS, the following summary is presented in report form.

Analysis and Basic Data

Of special interest are the following points:

(1) The first state laws covering public employees in general were passed as early as 1959. The first law covering

*Opinions expressed herein are those of the author.

Sponsored by the Association of American Colleges, the American Association of State Colleges and Universities, and the National Association of State Universities and Land Grant Colleges. Funded by the Carnegie Corporation of New York.

postsecondary teaching personnel was the 1965 Michigan Law; however, K-12 teaching personnel had been covered as early as 1961 in a formal fashion in at least two states.

(2) Twenty states currently have some form of formal statute that covers employees in postsecondary institutions. However, in several states the provisions do not cover teaching staff, but only staff employees.

(3) Of the thirty states without some form of enabling post-secondary legislation, twenty-seven have had legislative activity in this area since 1970. Only Louisiana, Mississippi and South Carolina report no direct postsecondary collective negotiations legislative activity in that period.

(4) In eighteen states that have extensive and comprehensive public employment legislation, nine use a created Public Employment Relations Board to administer the legislation and nine use their existing private sector labor boards or commissions as the regulatory agency.

The following chart on postsecondary public employee legislation may be of particular interest. Appendix II B of the ECS Study (14 pp.), containing a state-by-state analysis, is also available on request from the Academic Collective Bargaining Information Service.

Group A - States which have specific legislation which deals with public employees in postsecondary educational institutions:

	State	Levels with Current Contract or Units Recognized		Year of Law Enactment		
		4 year		1972		
1	Alaska[1]					
2	Hawaii[1]	4 year	2 year	1970	1971	
3	Kansas[2]		2 year	1970		
4	Minnesota[1]		2 year	1971	1972	
5	Montana[4]			1973		
6	New Hampshire	4 year[5]	2 year[5]			
7	New York[1]	4 year	2 year	1967	1969	1971
8	Oregon[1]		2 year	1973		
9	Pennsylvania[1]	4 year	2 year	1970		

	State	Levels with Current Contract or Units Recognized		Year of Law Enactment	
10	South Dakota[1]			1970	
11	Vermont[1]	4 year		1969	1972
12	Washington[3]	4 year[5]	2 year	1971	1973

[1]Within omnibus public employment legislation
[2]Meet and confer rather than mandatory legislation.
[3]Specific special legislation for Community College.
[4]Postsecondary personnel covered under K-12 act by implication in 1973 public employment bill.
[5]Nonteaching employees only.
[6]State has a law covering nonprofessional employees in state colleges and universities.

Group B - States in which no specific or special postsecondary mention in the language of the legislation of an omnibus public employee bill but where by implication or interpretation postsecondary personnel and institutions are included:

	State	Levels with Current Contract of Units Recognized		Year of Law Enactment	
1	Delaware[1]	4 year		1965	
2	Massachusetts	4 year	2 year	1970	1973
3	Michigan	4 year	2 year	1965	
4	Nebraska	4 year		1969	
5	Nevada[2]			1969	1971
6	New Jersey	4 year	2 year	1968	
7	Rhode Island	4 year	2 year	1970	
8	Wisconsin	Vocational/Technical		1971	

[1]Meet and confer act only.
[2]Community Colleges may be looked upon as special districts under local government Employee Relations Act; however, university system employees would not be covered.

Group C - States which have no collective negotiations legislation for postsecondary education but in which there are de facto postsecondary contracts or employee unit recognition and in which some legislative activity in respect to legalization of the de facto situation has taken place since 1970:

	State	Levels with Current Contract or Units Recognized	
1	Colorado		2 year
2	Florida[3]		2 year[4]
3	Illinois[4]	4 year[4]	2 year
4	Maine[1]	Vocational/Technical	
5	Maryland[2]	4 year	2 year
6	Ohio	4 year	
7	Utah		2 year

[1]State has a town or municipal level which covers K-12 personnel only.
[2]State has a K-12 meet and confer law.
[3]Florida has allowed two counties (Hillsborough and Pinellas) to allow K-12 teachers to organize. They are meet and confer statutes. Supreme Court of Florida has ordered the legislature to pass a public employee omnibus bill. They failed to do so, and issue is before the Courts.
[4]Court decision allows teachers and other local employees to bargain; non-academic employees bargain under University Personnel Code of State.

Group D - States in which there has been considerable to moderate legislative activity since 1970 of an omnibus legislation level in which postsecondary personnel would have been included:

	State
1	Alabama
2	Arizona
3	Arkansas
4	California[2]
5	Connecticut[1]
6	Georgia

State

7 Idaho[1]

8 Indiana[1]

9 Iowa

10 Kentucky

11 Missouri[2] [3]

12 New Mexico[5]

13 North Carolina[3]

14 North Dakota[1] [4]

15 Oklahoma[1]

16 Tennessee

17 Texas

18 Virginia

19 West Virginia

20 Wyoming

[1]State has a K-12 professional negotiations act of a mandatory or meet and confer nature.
[2]State has an omnibus Public Employment Act of a meet and confer nature but postsecondary personnel are not covered under the statute.
[3]State has laws prohibiting public employee or employers from bargaining in educational settings.
[4]North Dakota has a limited public negotiations act for state and municipal employees.
[5]New Mexico has set of State Personnel Board Regulations which allow for some of the aspects of collective negotiations for public employees of a permissive nature. The regulations are not, however, a formal public employees law; in effect, New Mexico is in a class by itself.

Group E - States with no activity during the period 1970 - 1973:

1 Louisiana
2 Mississippi
3 South Carolina[1]

[1]Passed a Grievance Procedure Act only in 1971.

The Education Commission of the States maintains a detailed legislative analysis service in its Research Division which monitors the progress of educational legislation in each of the fifty states. This is published each year in a report series entitled Research Brief - Legislative Achievement Series. Years 1972 and 1973 are available from the Education Commission of the States, 1860 Lincoln Street, Suite 300, Denver, Colorado 80203.

Conclusion

From the Education Commission of the States research data it would appear that fifteen states have to date (February 1974) passed comprehensive legislation that covers all personnel in postsecondary education. Alaska, Delaware, Hawaii, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont clearly by statute allow collective negotiations for teachers and staff in postsecondary institutions. Kansas, Nevada and Washington cover community college teaching and staff personnel by specific or interpretable legislation. In addition, Wisconsin and Maine cover vocational/technical faculty and staff. Illinois, New Mexico, New Hampshire and Washington cover staff, but not teaching personnel in four-year institutions by statute or state personnel regulations.

In most states without enabling laws, legislative activity has been considerable. A rough classification follows:

High Activity:	Medium Activity:
California	Colorado
Florida	Connecticut
Illinois	Idaho
Iowa	Indiana
Maine	Kansas
Oklahoma	Kentucky
Washington	Maryland
Wisconsin	Nevada
	New Hampshire
	New Mexico
	North Dakota
	Ohio
	West Virginia

Ten other states appear to have possible legislation pending of an omnibus nature: Alabama, Arizona, Arkansas, Missouri, North Carolina, Tennessee, Texas, Utah, Virginia and Wyoming. If a fair number of the states with high legislative activity were to pass legislation, many of these states might well follow along.

Four states--Georgia, Louisiana, Mississippi and South Carolina--have shown little legislative activity, although there has been municipal public employee pressure in Georgia and South Carolina in recent years.

What does this say for the growth of collective negotiations in postsecondary education? Some observers feel that by 1980 most of the states will have passed some form of public employee collective negotiations legislation. This legislation will usually include postsecondary teaching and staff personnel. Students of faculty collective bargaining should note that in the public sector the postsecondary teaching personnel are but a very small part of the total public employee work force. Their coverage or noncoverage is only a small sideshow in a much bigger picture of policemen, firemen, teachers, clerical workers, and so on.

Thus, one can see a slow and progressive upward trend in collective negotiations activity in postsecondary education as state after state passes legislation. Each time a new state is added, one can expect the "ripple effect" to spill over into the private institutions in that state as well. Or we might have a reverse "ripple effect" as in Colorado, where two private colleges began a pattern that may well end in the passage of legislation for the public sector of postsecondary education.

All of the above is certainly food for reflective thought. In summary, legislative activity continues at a very heavy rate. Some researchers have predicted a leveling off of the collective negotiations boom in higher education. But in light of the number of pending state public employee collective bargaining laws, this seems less likely.

BIBLIOGRAPHY

1 Joyce M. Najita and Dennis T. Ogawa, Guide to Statutory Provisions in Public Sector Collective Bargaining: Union Security, Industrial Relations Center, University of Hawaii, Honolulu, Hawaii, 1973.

2 Joyce M. Najita, Guide to Statutory Provisions in Public Sector Collective Bargaining: Scope of Negotiations, Industrial Relations Center, University of Hawaii, Honolulu, Hawaii, 1973.

3 Dennis T. Ogawa and Joyce M. Najita, Guide to Statutory Provisions in Public Sector Collective Bargaining: Unit Determination, Industrial Relations Center, University of Hawaii, Honolulu, Hawaii, 1973.

4 Helene R. Shimaoka, Topic Coded Titles on Public Employee Collective Bargaining with Emphasis on State and Local Levels, Industrial Relations Center, University of Hawaii, Honolulu, Hawaii, 1972.

5 Helene S. Tanimoto, Guide to Statutory Provisions in Public Sector Collective Bargaining: Impasse Resolutions Procedures, Industrial Relations Center, University of Hawaii, Honolulu, Hawaii, 1973.

6 Terrence N. Tice, Editor, Faculty Power: Collective Bargaining on the Campus, Institute of Continuing Legal Education, University of Michigan, Ann Arbor, Michigan, 1972.

7 Terrence N. Tice, Editor, Faculty Bargaining in the Seventies, Institute of Continuing Legal Education, University of Michigan, Ann Arbor, Michigan, 1973.

8 United States Department of Labor, Labor Management Services Administration, State Profiles: Current Status of Public Sector Labor Relations, Washington, D. C., Government Printing Office, 1971.

February 1974